

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

HEIDMAR TRADING LLC  
Plaintiff

VS.

EMIRATES TRADING AGENCY LLC,  
EMIRATES STAR PTE. LTD. and STAR  
MARITIME PTE LTD.  
Defendants

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C.A. NO. 4:11-cv-3847  
ADMIRALTY  
Fed. R. Civ. Pro 9 (h)

**SWORN DECLARATION OF AHAMED HARRIS**

1. My name is Ahamed Harris. I am a Director of Emirates Star Pte. Ltd. ("Emirates Star") and have held that position for three years. I am also a Director of Star Maritime Pte. Ltd. ("Star Maritime"). I am of sound mind and have never been convicted of a felony or a misdemeanor involving moral turpitude. I am capable of making this sworn declaration on behalf of Emirates Star Pte. Ltd. and I am authorized to do so. I declare under penalty of perjury that the facts stated in this declaration are based on my personal knowledge and are true and correct under penalty of perjury of the laws of the United States pursuant to United States law, 28 U.S.C. § 1746. The documents attached hereto are kept by Emirates Star Pte. Ltd. and/or Star Maritime Pte. Ltd. in the regular course of business, and it is the regular practice of said entities for an employee or representative with knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The documents attached hereto are the original or exact duplicates of the original.
2. Emirates Star has been and continues to be engaged in the business of shipowning and has been and continues to be the registered owner of the M/V EMIRATES STAR.
3. Emirates Star has been the registered owner of the M/V EMIRATES STAR since its delivery to Emirates Star in 2007 by STX Shipbuilding Co. Ltd., the vessel's builder. A true and correct copy of the vessel's Certificate of Singapore Registry is attached hereto as Exhibit A.
4. Emirates Star is incorporated under the laws of Singapore as a Private Company Limited by Shares. A true and correct copy of Emirates Star's Certificate Confirming Incorporation is attached hereto as Exhibit B. A true and correct copy of the Emirates

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Star's Memorandum and Articles of Association is attached hereto as Exhibit C. A true and correct copy of Emirates Star's business profile, issued by the Singapore Accounting and Corporate Regulatory Authority as of 27 August 2010, is attached hereto as Exhibit D.

5. Emirates Star convenes regular director meetings, keeps its accounts, conducts its affairs, and maintains its records in accordance with the Singapore Companies Act and Singapore Financial Reporting Standards. A true and correct copy of Emirates Star's 2010 Annual Report and independent auditors' report by KPMG is attached hereto as Exhibit E.
6. The following are and were Officers and Directors of Emirates Star (See Exhibit D attached hereto):
  - a. Venkiteswaran Hariharan;
  - b. Yung Shing Jit;
  - c. Mohamed Mahboob; and
  - d. Ahamed Harris.
7. Emirates Star is wholly owned by Star Maritime Pte. Ltd.
8. Star Maritime is incorporated under the laws of Singapore as a Private Company Limited by Shares. A true and correct copy of Star Maritime's Certificate Confirming Incorporation is attached hereto as Exhibit F. A true and correct copy of Star Maritime's Memorandum and Articles of Association is attached hereto as Exhibit G. A true and correct copy of Star Maritime's business profile, issued by the Singapore Accounting and Corporate Regulatory Authority as of 4<sup>th</sup> November 2011, is attached hereto as Exhibit H.
9. Star Maritime was incorporated in Singapore by Noohu Mohamed Ameer Fazel and Mohamed Mahboob, not Emirates Trading Agency LLC ("Emirates Trading"). See Exhibit G.
10. Star Maritime convenes regular director meetings, keeps its accounts, conducts its affairs, and maintains its records in accordance with the Singapore Companies Act and Singapore Financial Reporting Standards. A true and correct copy of Star Maritime's 2010 Annual Report and independent auditors' report by KPMG is attached hereto as Exhibit I.
11. The following are and were Officers and Directors of Star Maritime (See Exhibit H attached hereto):
  - a. Venkiteswaran Hariharan;
  - b. Yung Shing Jit;
  - c. Mohammed Azhar; and
  - d. Ahamed Harris.
12. At the time in 2008 when Emirates Trading and Heidmar Trading LLC entered into the commodity swap agreements that are the subject of the lawsuit styled *Heidmar Trading*

*LLC v Emirates Trading Agency LLC, Emirates Star Pte. Ltd. and Star Maritime Pte. Ltd.* bearing Cause No. 4:11-CV 3047, pending in the United States District Court for the Southern District of Texas, Houston Division (the "Lawsuit"), Star Maritime was owned by Mohamed Mahboob (0.01%), ETA Star Holdings Limited (99.98%), and Noohu Mohamed Ameer Fazel (0.01%).

13. In 2009, ETA Star Holdings Limited incorporated Star Maritime Holding Company Ltd. BVI in the British Virgin Islands. A true and correct copy of Memorandum of Articles of Association is attached hereto as Exhibit J. A true and correct copy of the Certificate of Incorporation is attached hereto as Exhibit K.
14. On 8 May 2009, all of ETA Star Holdings Limited's, Mohamed Mahboob's and Noohu Mohamed Ameer Fazel's right, title and interest in Star Maritime was transferred to Star Maritime Holding Company Ltd. BVI. At present, Star Maritime Holding Company Ltd. BVI is the sole shareholder of Star Maritime. On 8th May 2009, Star Maritime Holding Company Ltd., BVI held its first directors meeting and allotted all its issued shares to ETA Star Holdings Limited. Attached hereto as Exhibit L is a true and correct copy of share certificate for Star Maritime Holding Company Ltd., BVI.
15. Star Maritime Holding Company Ltd. BVI is owned by ETA Star Holdings Limited. Attached hereto as Exhibit M is a true and correct copy of ETA Star Holdings Limited's share certificate.
16. ETA Star Holdings Ltd. is a limited liability company incorporated under the laws of United Arab Emirates. ETA Star Holdings Ltd. is wholly owned by Essa Abdullah Ahmad Al Ghurair (18%), Abdulla Ahmed Al Ghurair (17%), Ibrahim Abdulla Ahmed Al Ghurair (17%), Syed Mohamed Salahuddin (25%), Arif Buhary Rahman (23%).
17. The shareholders of ETA Star Holdings Ltd. are the Directors of ETA Star Holdings Ltd.
18. Noohu Mohamed Ameer Fazel, Mohammed Azhar, Ahmed Harris, Mohamed Mahoob, Venkiteswaran Hariharan and Yung Shing Jit were never directors or corporate officers of Emirates Trading.
19. Noohu Mohamed Ameer Fazel and Mohammed Azhar were employed as managers with Emirates Trading at the time the commodity swap agreements were executed and are relatives of Syed Mohamed Salahuddin and Arif Buhary Rahaman, who together hold 48% shares in ETA Star Holdings Ltd.
20. Emirates Trading does not have and has never had any ownership interest or other financial interest in Emirates Star; Star Maritime; ETA Star Holdings Ltd.; or Star Maritime Holding Company Ltd. BVI (the "Companies"). A true and correct copy of an organizational chart of the holdings of Star Maritime Holding Company Ltd. BVI is attached hereto as Exhibit N.

21. The Companies do not have and have never had any ownership interest or other financial interest in Emirates Trading.
22. Emirates Trading does not and has not had any control of the Companies.
23. The Companies have not had any control over Emirates Trading at any time.
24. The Companies have at no time shared an office or other place of business with Emirates Trading.
25. The Companies have never had a director who contemporaneously served as a director of Emirates Trading at all relevant times.
26. The Companies have at no time had any authority to bind Emirates Trading.
27. Emirates Trading has at no time had any authority to bind the Companies.
28. Aqua Bella Shipping Co. Ltd. is a limited liability company, incorporated under the laws of the Republic of Cyprus. Upon information and belief, Aqua Bella Shipping Co. Ltd. is wholly owned by Emirates Trading.
29. The following were Officers and Directors of Aqua Bella Shipping Co. Ltd.:
  - a. Arif Buhary Rahman
  - b. Syed Mohammed Salahuddin, and
  - c. Noohu Mohamed Ameer Fizel.
30. Mohammed Azhar, Ahmed Harris, Mohamed Mahoob, Venkiteswaran Hariharan and Yung Shing Jit were never directors or corporate officers of Aqua Bella Shipping Co. Ltd.
31. I have read a copy of the Verified Original Complaint filed on behalf of Heidmar Trading LLC in Cause No. 4:11-CV 3047 in the United States District Court for the Southern District of Texas – Houston Division and styled *Heidmar Trading LLC v Emirates Trading Agency LLC, Emirates Star Pte. Ltd. and Star Maritime Pte. Ltd.* (the “Lawsuit”). Neither Emirates Star nor Star Maritime were parties to the contracts that are the subject of Heidmar Trading LLC’s claims as set forth in its Verified Original Complaint filed in the Lawsuit. Neither Emirates Star nor Star Maritime have any involvement in the contracts that are the subject of Heidmar Trading LLC’s claims as set forth in its Verified Original Complaint filed in the Lawsuit.
32. On December 4, 2006, Star Maritime entered into 3- year time charter contracts for vessels named “SINGAPORE STAR” and “DUBAI STAR” with Heidmar Trading LLC. True and correct copies of the Time Charter Parties for the SINGAPORE STAR and DUBAI STAR are attached hereto as Exhibit O. Heidmar Trading LLC was then a subsidiary of Morgan Stanley. Pursuant to the aforementioned time charter contracts

between Star Maritime. and Heidmar Trading LLC, Heidmar Trading LLC sent an e-mail on December 9, 2006, requesting Star Maritime to approve a draft Press Release which Heidmar Trading LLC wished to advertise. In that press release, Heidmar Trading LLC stated "Star Maritime of Singapore, a subsidiary of Emirates Trading Agency (ETA) in Dubai". On that same day, by an e-mail sent to Heidmar Trading LLC, it was clarified that "Star Maritime is a subsidiary of ETA Star Holdings." This evidence shows that we did not accept that Star Maritime is a subsidiary of Emirates Trading and Heidmar accepted it. A true and correct copy of the e-mails are attached hereto as Exhibit P.

33. Emirates Trading's only known connection to the M/V EMIRATES STAR was as a time charterer, beginning when the vessel was delivered by the builder in 2007. A true and correct copy of the Time Charter Party is attached hereto as Exhibit Q. At the request of Emirates Trading, the charter party was later amended to substitute Aqua Bella Shipping Co. Ltd. as charterer. Attached hereto as Exhibit R is a true and correct copy of Addendum No. 1 to that Charter Party. This charter party was terminated in accordance with an Addendum dated 5 January 2010. Attached hereto as Exhibit S is a true and correct copy of that termination.
34. As charterer of the M/V EMIRATES STAR, Emirates Trading /Aqua Bella decided to sub-charter the vessel to Heidmar's Dorado Pool.
35. In 2009 the tanker charter market downturned and it was common throughout the industry for charterers to seek a concession in the hire rate. Originally, Emirates Star rejected Emirates Trading and/or Aqua Bella Shipping Co. Ltd.'s suggestions to reduce the hire rate in 2009. However, outstanding hires began accumulating. See a true and correct copy of an email sent from Star Maritime to Emirates Trading on 20 January 2010, attached hereto as Exhibit T, concerning the outstanding charter hire. Emirates Star and Aqua Bella Shipping Co. Ltd. mutually agreed to cancel the charter party under the following conditions:
  - a. Aqua Bella Shipping Co. Ltd. was to pay the full charter hire rate (USD 21,000) until 31 January 2010;
  - b. Aqua Bella must send a withdrawal notice to the Heidmar pool by 8 January 2010; and
  - c. Aqua Bella must instruct Heidmar Pool to remit all remaining charter hires to be paid (from February 2010 until redelivery) directly to Emirates Star. However, on 26 January 2010 Heidmar refused to send the charter hires directly to Emirates Star. Instead, Emirates Star was requested that each time Hiedmar remitted any charter hire to Aqua Bella, that same must be remitted immediately by Aqua Bella to Emirates Star. Attached hereto as Exhibit U are true and correct copies of emails ensuring that Aqua Bella remitted any charter hire immediately upon its receipt of same.
36. Such alteration of an original charter party for commercial reasons is common in the shipping industry. For example, the present voyage of the EMIRATES STAR is an addendum to the original time charter party whereby Emirates Star cooperated with

Morgan Stanley (attached hereto as Exhibit V are true and correct copies of emails that comprise an amendment to the Morgan Stanley Original Charter Party) with a request to extend the charter party period from 180 days to 240 +/- 10 days at USD 12,500 Net which is lower than the original charter party rate of USD 13,500 Net (Attached hereto as Exhibit W is a true and correct copy of the Original Fixture.) Morgan Stanley in this occasion was at fault to use the ship beyond the permissible period of 180 days.

37. When Clarksons Research Services published its 2011 annual report regarding the identity of vessels with their owners, and it was revealed that at that time that Clarksons identified Emirates Trading as the owner and/or manager of the EMIRATES STAR, among other vessels owned and/or managed by Star Maritime, Star Maritime notified Clarksons regarding the error and asked that the proper information be reflected. Clarksons made the change and notified Star Maritime by e-mail, a true and correct copy of which is attached hereto as Exhibit X. It must also be noted that Clarksons disclaims the accuracy of its information.
38. The Companies have at no time received any funds or other assets from Emirates Trading apart from charter hire paid in accordance with the 2008 time charter party.
39. Emirates Trading has at no time received any funds or other assets from the Companies, apart from the right to use the vessel in accordance with the 2008 time charter party, which was terminated by Addendum dated 5 January 2010 and technical management fee pursuant to technical management agreements which ended in September 2008 with transfer to Pioneer Ship Management.
40. Since January 31, 2010, the M/V EMIRATES STAR has been under time and/or voyage charter to the following:
  - a. From 1 January 2010 to 17 April 2010 (time charter to Aqua Bella based on the addendum to original charter party)
  - b. From 20 April 2010 to 25 August 2010 (time charter to Morgan Stanley)
  - c. From 25 August 2010 to 20 Feb 2010 (time charter to Trafigura)
  - d. From 20 February 2010 to 19 March 2011 (Voyage Charter to ST Shipping)
  - e. From 19 March 2010 until present (time charter to Morgan Stanley)
41. The vessel is currently on time charter to Morgan Stanley and was scheduled to depart the Port of Houston on November 4, 2011, but remains in the Port of Houston pursuant to the Writ of Attachment entered in this matter.

Executed this 8<sup>th</sup> day of November, 2011, in Singapore.

Ahamed Harris

